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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD STYPMANN,

No. C 06-004476 WHA

Plaintiff,

v.

CITY AND COUNTY OF SAN FRANCISCO,
CHIEF HEATHER FONG, OFFICER # 4009,
OFFICER #127, SGT. O.J. BUENO, AND
DOES 1-10,

**ORDER GRANTING
DEFENDANTS'
MOTIONS TO DISMISS
AND FOR SUMMARY
JUDGMENT**

Defendants.

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This matter was initiated in this Court when it was removed from San Francisco Superior Court on July 21, 2006. Defendants then filed a motion to dismiss on July 28. Plaintiff timely filed an opposition on August 28. Defendants' motion to dismiss was granted on September 14, but plaintiff was granted leave to amend his complaint. Plaintiff timely filed an amended complaint on September 29. A case management conference was held on October 19, which plaintiff attended. On November 2, defendants filed a motion to dismiss and a motion for summary judgment. Plaintiff's opposition to those motions was due November 22. None was filed. On December 7, the Court ordered plaintiff to show cause why defendants' motion to dismiss and motion for summary judgment should not be granted for failure to oppose. On December 12, plaintiff filed a "Request to Dismiss without Prejudice Due to Death

1 of Roommate and a Judicial Stacked Deck.” It did not state a valid basis for plaintiff’s failure
2 to oppose defendants’ motion.

3 Plaintiff has failed to show cause why defendants’ motions should not be granted.
4 At the hearing on December 14, 2006, plaintiff did not appear. It would be unfair to defendants
5 at this late point in the proceedings to grant plaintiff’s request to dismiss without prejudice.
6 Defendants’ motions to dismiss and for summary judgment are **GRANTED** on the merits.

7
8 **IT IS SO ORDERED.**

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10 Dated: December 14, 2006.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE